

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... February 18, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Mark Hermodson
 KD Benson
 John Knochel
 David Williams
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Kathy Vernon
 Dr. Carl Griffin (7:20 P.M.)
 Mike Smith
 Vicky Pearl
 Bob Bowman
 Lynda Phebus
 Steve Egly

MEMBERS ABSENT

Kevin Klinker

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 Heather Prough
 Jay Seeger, Atty
 Michelle D'Andrea

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 18th day of February 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that **S-3442—CRM MINOR SUBDIVISION (MINOR-SKETCH)** needed to be continued to the March 3, 2004 Executive Committee meeting in order for the Town of Dayton to act on a variance to reduce the width of right-of-way to be dedicated and **S-3453 – LANE SUBDIVISION (MINOR-SKETCH)** needed to be continued to the April 7, 2004 Executive Committee meeting in order to receive Flood Plain elevation data from IDNR.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the January 21, 2004 minutes. Kathy Vernon seconded and the motion carried by voice vote.

III. NEW BUSINESS

- A. **RESOLUTION T-04-1:** A resolution to amend the FY 2004 Transportation Improvement Program: Staff of the Area Plan Commission, the City of Lafayette and the Tippecanoe County Highway Department. The resolution is to add three projects requesting federal safety funds and increasing the dollar amounts for one enhancement project.

Jeff Kessler moved to approve **RESOLUTION T-04-01**. Kathy Vernon seconded the motion.

Sallie Fahey recapped the staff report with recommendation of approval.

Jeff Kessler stated that this saves the County over one half of a million dollars. He commended Doug Poad for a job well done.

The Commission voted by ballot 14 yes – 0 no to approve **RESOLUTION T-04-01**.

- B. **RESOLUTION PD 04-04 -- WEST LAFAYETTE PUBLIC LIBRARY PLANNED DEVELOPMENT, PHASE 2 (Z-2109)** Final Detailed Plans for the second phase

consisting of the library parking structure, located along the south side of Columbia Street, between Northwestern and Chauncey Avenues, in West Lafayette, Wabash 19 (NE) 23-4.

Jeff Kessler moved to approve **RESOLUTION PD 04-04**. Steve Schreckengast seconded the motion.

Margy Deverall recapped the staff report with recommendation of approval.

The Commission voted by ballot 14 yes – 0 no to approve of **RESOLUTION PD 04-04**.

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved to continue **S-3442—CRM MINOR SUBDIVISION (MINOR-SKETCH)** to the March 3, 2004 Executive Committee and **S-3453 – LANE SUBDIVISION (MINOR-SKETCH)** to the April 7, 2004 Executive Committee meeting. Kathy Vernon seconded and the motion carried by voice vote.

Mark Hermodson read the meeting procedures.

A. REZONING ACTIVITIES

1. **Z-2158—JOHN E. SMITH ENTERPRISES, INC. (R1B TO NB):**

Petitioner is requesting rezoning of 1.623 acres located on the east side of S. 9th Street, north of the new Twyckenham/Brady extension, Lafayette, Wea 4 (NW) 22-4. CONTINUED FROM THE JANUARY MEETING BY INCONCLUSIVE VOTE.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and 2 site plans.

Margy Deverall recapped the history of this case and read the addendum. She stated that the staff received covenants and restrictions from the petitioner stating that any neighborhood bookstore or video store on this site would not carry any adult related material and be in effect until 2070. She read from the revised restrictive covenants: "any business dealing in anyway with any adult video, CD, DVD or any other electronic devise containing adult material."

John E. Smith, 803 Sunrise Ave., Lafayette, IN, asked for approval.

Randy Brist, 1016 Brick N Wood Drive, Lafayette, IN, stated that he would prefer that the land in question remain residential. He mentioned that the residents of Brick N Wood are less than 100 walking steps from the Twyckenham extension and the residents of Fairfax Drive are even closer to the railroad tracks. He said that the new linear park would provide a buffer between the railroad tracks and this property. He stated that it was premature to disregard this property for residential use. He suggested that the rezoning of this property be continued until the entire area north of Twyckenham could be rezoned at the same time. He explained that rezoning all of this area at the same time would provide more continuity and better access from 9th Street. He stated that the additional covenants are a nice gesture, but that was not a concern of everyone. He said that the larger problem is access and traffic flow to this land. He asked for denial or continuation so the whole area could be done together.

John Smith informed the Commission that he has already spoken to the City regarding access. He said that both the City and the APC staff requested that the access to this property be directly opposite from Twyckenham Village entrance. He stated that would be the only access this property would have.

Steve Schreckengast asked if that would also be the only entrance to the remaining land.

Opal Kuhl stated that the City only reviewed this property, not the remaining land.

Steve Schreckengast asked the adjoining landowner, Mr. Cory, if he would speak about his plans for this area.

Alan Cory, 1420 Northwestern Ave., West Lafayette, IN, stated that he was half owner of the property on either side of Twickenham. He said that he and his partners have not made a decision on what they are going to do with their land, but they did plan on some kind of rezoning in the near future.

Steve Schreckengast asked what classification they would be asking for.

Alan Cory stated that they have not made a definite decision, but probably NB.

Steve Schreckengast asked if he planned on the same access point.

Alan Cory said that it would be preferable if it relocates to the extreme south property line.

Jeff Kessler asked if it would be beneficial to look at this all together, as one big project.

Sallie Fahey stated that would be beneficial from a planner's point of view. She explained that they cannot force petitioners to hold up their plans. She said that they could ask that the petitioner cooperate.

Jeff Kessler asked how long of a delay that would be.

Sallie Fahey stated that one petitioner would not necessarily have to wait.

The Commission voted by ballot 10 yes – 4 no to recommend approval of **Z-2158—JOHN E. SMITH ENTERPRISES, INC. (R1B TO NB)** to the Lafayette City Council.

Yes votes

Gary Schroeder
John Knochel
Steve Egly
Steve Schreckengast
KD Benson
David Williams
Jeff Kessler
Kathy Vernon
Carl Griffin
Vicki Pearl

No votes

Mark Hermodson
Michael Smith
Robert Bowman
Lynda Phebus

2. **Z-2159—AREA PLAN COMMISSION OF TIPPECANOE COUNTY (I3 AND GB TO GB AND I3):** Petitioner is requesting a rezoning in order to correct a mapping error on 0.91 acres (I3 to GB) and Lot 1 Ash Industrial Subdivision (GB to I3). Both properties are located at the northwest corner of Wabash Avenue and Old Romney Road, Lafayette, Fairfield 31 (NE) 23-4. CONTINUED FROM THE JANUARY MEETING DUE TO LACK OF SIGN POSTING.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides, zoning map and 2 aerial photos.

Margy Deverall read the staff report with recommendation of approval.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2159—AREA PLAN COMMISSION OF TIPPECANOE COUNTY (I3 AND GB TO GB AND I3)** to the Lafayette City Council.

3. **Z-2160—C & G PROPERTY, LLC (Capp & Gino's PD) (CBW TO PDNR):** Petitioner C & G Properties, by Steve Ratcliff, is requesting rezoning of 0.27± ac for a 2-story commercial building with a sit down coffee shop and drive-through, located on North River Road (US 231) northwest of the State Street (SR 26) & North River Road intersection, West Lafayette, Wabash 20 (W½) 23-4.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and site plan.

Margy Deverall read the staff report with recommendation of conditional approval contingent on the following:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable;
3. a final landscape plan and plant schedule approved by the West Lafayette Greenspace Administrator and INDOT;

Additional Conditions:

4. permit from INDOT for approval of the reconfigured drive layout;
5. a note on sheet PA 102 stating that the permitted uses for this planned development would include all those allowed in CBW with the exception of a liquor store and any Adult Entertainment Business as defined in UZO.
6. a recorded copy of covenants for the property to include:
 - a. language about land use stating that any uses permitted in CBW would also be allowed with the exception of liquor stores and any Adult Entertainment Business as defined in UZO; and
 - b. language restricting the use of the basement area to storage and mechanical systems only, prohibiting its ability to be occupied.

Jeff Kessler moved to include the above conditions in the petition. Kathy Vernon seconded and the motion carried by voice vote.

Daniel Teder, PO Box 280, Lafayette, IN, stated that the developer and petitioner were present. He said that the proposed building would be 2-story with a basement for a total of 2590 square feet. He said that signage would be 54 square feet. He mentioned that most of the surrounding area is zoned CBW. He explained that the site would have one-way circulation of traffic and the barrier in the road would help to enforce that. He pointed out that the parking and greenspace requirements have been met. He stated that there were no objections from West Lafayette or the surrounding property owners. He concurred with the staff and asked for approval. He mentioned that there would be covenants addressing the land use and the basement.

KD Benson asked if the second story would be customer seating.

Daniel Teder replied affirmatively. He mentioned that there would also be bicycle parking.

KD Benson asked if the PD process nails down what can be done on the site.

Sallie Fahey replied affirmatively.

KD Benson asked why the language on CBW and other uses was included.

Sallie Fahey explained that in the future this could be sold to another business and therefore the uses that follow must be defined. She stated that this was a way to ensure the longevity of this property.

KD Benson asked for confirmation that if the property was sold, it would have to be rezoned anyway.

Sallie Fahey replied negatively. She stated that if the building was used in exactly the same way for another use, they would not have to rezone.

Steve Schreckengast asked if the signage could exceed the maximum allowed in a PD.

Sallie Fahey stated that would have to be negotiated in the PD process.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2160—C & G PROPERTY, LLC (Capp & Gino's PD) (CBW TO PDNR)** to the West Lafayette City Council.

4. **Z-2161—GREENWALT DEVELOPMENT, INC. (Greentree PD Phase 2) (PDMX TO PDMX):** Petitioner is requesting rezoning of 2.46 acres, also known as Lot 1 of Greentree @ West Lafayette, for a 3-story expansion project to add 24 new 1-bedroom and studio residential units to the existing Greentree Assisted Living Center, located at the northeast corner of Kalberer and Salisbury, West Lafayette, Wabash 6 (NE) 23-4

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and 2 site plans.

Margy Deverall read the staff report with recommendation of conditional approval contingent on the following:

1. All sheets (other than the preliminary plat) that make up the approved Preliminary Plan;
2. A final plat, per UZO Appendix B-3-2 as applicable, submitted either with Final Detailed Plans or separately;
3. Satisfy the West Lafayette City Engineer's request to verify slope information on the two existing detention ponds

Jeff Kessler moved to include the above conditions in the petition. Kathy Vernon seconded and the motion carried by voice vote.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, presented a display board of the aerial photo. He pointed out that the PD process has worked well through the negotiation process. He explained that the reason for rezoning this to the same zone is to allow for a 3-story addition housing 24 new residential units. He recapped the process of a planned development. He concurred with the staff report. He stated that there would not be any change to the traffic pattern and the parking issues have been resolved. He said that some trees would be relocated and some new trees planted. He stated that the drainage ponds and runoff would be readdressed to ensure all conditions are met. He said that all conditions could be met and this was a continuation of a good project.

Carl Griffin asked where the second detention pond would be.

Sallie Fahey pointed out the location.

KD Benson asked what is next door to this site.

Joseph T. Bumbleburg stated that the Baptist Church is next door.

The Commission voted by ballot 13 yes – 0 no and 1 abstension to recommend approval of **Z-2161—GREENWALT DEVELOPMENT, INC. (Greentree PD Phase 2) (PDMX TO PDMX)** to the West Lafayette City Council.

5. **Z-2162—LOVE TREE FARMS, LLC (Love Tree Farms PD) (AW TO PDRS):** Petitioner is requesting rezoning of 10.49 acres for a large lot residential development comprised of 5 building lots and 2 outlots located along the south fork of Wildcat Creek, on the south side of CR 100 N east of the intersection with CR 675 E, Perry 20 (NE) 23-3.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and plan.

Margy Deverall read a letter from the Health Department. She recapped the staff report with recommendation of conditional approval contingent on the following:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. A final plat per UZO Appendix B-3-2 as applicable;

Additional Conditions:

3. An addition to Note #1, on sheet 4 *Preliminary Plan*, stating the purpose of Outlot 6 shall include: continued ingress/egress easement rights of Lots 1 & 2 in Old Hickory Ridge Subdivision plus a 2.24

acre exemption "C" tract and provisions to establish the lot owners' share in maintenance of the private drive there in;

4. An addition to Note #2, on sheet 4 *Preliminary Plan*, stating the purpose of Outlot 7 shall include: a 2.24 acre exemption "C" tract;

Additional Documentation:

5. Appropriate deed transferring Outlot 6 to the Love Tree Farms Home Owners Association shall document that Outlot 6 is subject to the existing ingress/egress easements for Lots 1 & 2 in Old Hickory Ridge Subdivision plus a 2.24 acre exemption "C" tract;
6. An executed maintenance agreement document entered into by Love Tree Farms Home Owners Association, all existing owners of Lots 1 & 2 in Old Hickory Ridge Subdivision plus the owner of an adjacent 2.24 acre exemption "C" tract shall detail all property owners' responsibilities to the upkeep and maintenance for the private drive in Outlot 6.

Jeff Kessler moved to include the above conditions in the petition. Kathy Vernon seconded and the motion carried by voice vote.

Alfred McClure, 991 South Creasy Lane, Lafayette, IN, stated that the intent of this petition is to develop the land and still provide protection for Wildcat Creek. He explained that with all the development going on, this petition would forever preserve this land. He explained the length and area of what this would protect. He stated that he wanted to do some kind of development that he could be proud of and still do some development. He pointed out that they have stayed away from every part of the creek that this development could damage. He said that there would not be any development anywhere near the dropoffs. He stated that the reason they did not request an RE is because the drainage would cause damage due to RE road requirements. He explained that the name of this development came from a tree that had a heart carved in it and that tree would also be protected.

Joe Kerkhoff, 7215 E 100 North, Lafayette, IN, stated that 100 N is a dangerous road already and 6 more houses would make it even worse. He pointed out that the best way to preserve the Wildcat Creek is not to do any development at all. He mentioned that it is easier to develop the land when you don't live there. He said that he and his brother inherited a farm in this area. They are 4th generation farmers and his grandfather was a charter member of APC. He said that he would like to exercise his right not to develop the land. He stated that the septic system is also a concern because the results from Creekside have not been proven yet. He reiterated that his main concern is the increased traffic. He said that this is a very beautiful scenic area and should be left alone.

Alfred McClure stated that he lived in this area for a long time and obeying the speed limit is not a problem. He mentioned that the traffic in this general area has increased due to the new subdivisions on CR 550 East, but not along CR 100 North. He pointed out that some of these issues have been addressed in this petition by putting in a turn lane. He stated that this development would only be 5 houses, and there are 100's of houses going up on CR 550 East. He reiterated that this development has backed away from the creek and they are trying to prevent future development. He asked for approval.

Robert Bowman asked for confirmation on the location of the flood plain line.

Alfred McClure pointed out the flood plain lines and legal setback from the flood plain lines. He stressed that the building is well beyond the flood plain and conservation easement.

KD Benson asked if 2' contours were used.

Roger Fine, John Fisher & Associates, 625 south Earl Avenue, Lafayette, IN, replied affirmatively.

KD Benson asked if alternatives to septic were investigated.

Alfred McClure stated that the septic systems would have to be approved by the Health Department before they go in. He said that the location of the septic has already been determined. He stated that there has never been a septic problem in Hickory Ridge.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2162—LOVE TREE FARMS, LLC (Love Tree Farms PD) (AW TO PDRS)** to the Tippecanoe County Commissioners.

6. Z-2163—COLONY PINES, LLC (Wea Pines PD) (R1 TO PDRS):

Petitioner is requesting rezoning of 13.13 acres for a mixed density residential development consisting of 6 lots for single-family detached units, 62 lots for single-family semi-attached units and one outlot for storm water storage, located on the east side of Old US 231 between CR 300 S and Rostone Circle Rural Homes Subdivision, Lafayette, Wea 5 (SW) 22-4.

Jeff Kessler moved to approve the above-described request, *with conditions*. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and 3 site plans.

Margy Deverall read the staff report with recommendation of conditional approval contingent on the following:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. A final plat per UZO Appendix B-3-2 as applicable;

Additional conditions:

3. A revision to Plan "B" making it a permanent two lot layout with the stub street right-of-way converted to an access easement and added to Outlot 5. The uses of Outlot 5 shall be defined and include access to residents of Wea Pines PD in the event petitioner is unsuccessful in gaining an amendment from the landowners in Rural Homes Subdivision;
4. Provide a recorded copy of the amendment to the Rural Homes Subdivision Restrictive Covenants to utilize Plan "A" layout with 6 detached home lots.

Daniel Teder stated that all utilities were available to this site. He said that there would be public streets, a homeowners association, retention basins and a landscaped pond. He informed the Commission that this was a Christmas tree farm and they wanted to preserve and utilize as many trees as possible. He stated that the smaller trees would be used for screening. He mentioned that there was a tree layout included in the packet. He said that there would be a lot of different styles used for the units so the development would not look the same throughout. He stated that there would be accel and decel lanes put in on Old US 231. He said that there would be a hammerhead that would have an access to the neighboring property, when it is developed to the east. He pointed out that this concept was used for development last year on Morehouse Road. He mentioned that Heron Bay was approved and that was a similar development just north of Rostone Circle. He concurred with the staff report and asked for approval.

John Kidder, 50 Rostone Circle, Lafayette, IN 47909, stated that this is not a former Christmas tree farm, but is still in existence. He said that this was a wonderful piece of property that is full of wildlife. He stated that he was against the road meeting the next development to the east. He pointed out that a lot of development has been done to take traffic away from old US 231 and this would create a bunch of new traffic.

Sallie Fahey stated that for many years the staff and the USO has promoted and required developments to connect to each other. She said that the main reason to connect them is for easy access for emergency vehicles. She mentioned that another reason to connect developments is to promote walkable communities.

KD Benson asked how many units per acre are proposed. She said that this development seems really dense.

Daniel Teder stated that there were about 5.1 units per acre.

KD Benson asked what was gained in the PD negotiation.

Sallie Fahey stated that higher density is a concern anywhere there is infill development among large lots on septic systems. She said that higher density in pockets, scattered among older larger lots is

appropriate from a planning perspective. She commented that land should not be taken advantage by developments sprawling out farther and farther.

Gretchen Bieker, 3220 US 231 South, Lafayette, IN, stated that she lives right across the street from this proposal and the entrance would empty out right in front of her house, and the road cuts will cut into her front yard. She pointed out that this area has a lot of single-family homes on large lots and now there is a very dense development being proposed, that would most likely be rentals. She mentioned that the reason she chose this area was because of the large lots. She stated that she was opposed to having so much development in this area. She reiterated all the excessive traffic that would empty out right in front of her house.

Keith Cooper, 40 Rostone Circle, Lafayette, IN stated that he did not understand why the zoning had to be changed on this property. He said that the reason people live in this area is because of the large lots. He mentioned that there would only be trees in-between his property and this development. He stated that with all the units proposed in this development, there would be a lot of kids in a small area with no place to play and they would be spreading out to other properties. He suggested that a fence be put in between his property and this development. He said that he did not want to take the chance of the kids getting hurt on his property. He asked that they require a fence be put in or leave it R1.

Russ Batchelor, 3141 S US 231 South, Lafayette, IN, stated that there are several misleading statements in the plans. He pointed out that lot 20 is definitely on city sewer and water. He stated that he was in opposition to this rezoning. He stated that this proposal must be preliminary because there are too many changes still needed. He said that if this development proceeds as indicated in the proposal, then he would have a waterfront property because the storm water basin is at the southwest corner of his property. He explained that his driveway is at the same corner as the storm water basin and it would destroy the entrance to his parking lot.

Sherman Ward, 180 Rostone Circle, Lafayette, IN, stated that he did not believe that this would be an easy transition. He pointed out that the property to the north was already rezoned to a medium density development. He said that this high-density development was not a nice transition from the old established Rostone Circle. He reiterated that increased traffic was a concern. He requested denial.

Daniel Teder reiterated that there would be an accel/decel lane, which would have to be approved by the City. He mentioned that the drainage would also have to be reviewed and approved. He pointed out that the petitioner did a similar development on the west side and they were not rentals but were retirees and young adults. He explained that there are very few children, if any, in the west side development.

KD Benson asked if these would be 2 bedroom units.

Daniel Teder stated that the ranch units would be two bedrooms with a patio and the 2-story units would be 3 bedrooms.

KD Benson asked to see the aerial photo again.

Michael Smith asked how many units would fit on the same piece of land if the zone remained R1.

Sallie Fahey stated that an R1 zone would allow 3-4 units per acre.

Daniel Teder pointed out the buffers on the aerial.

The Commission voted by ballot 10 yes – 4 no to recommend approval of **Z-2163—COLONY PINES, LLC (Wea Pines PD) (R1 TO PDRS)** to the Lafayette City Council.

Yes votes

Steve Schreckengast
Robert Bowman
Kathy Vernon
Jeff Kessler
Mark Hermodson

No votes

Carl Griffin
KD Benson
Michael Smith
Lynda Phebus

David Williams
 Vicki Pearl
 Gary Schroeder
 Steve Egly
 John Knochel

7. Z-2164—MEIGS, LLC (Forest Ridge RE) (AW TO RE):

Petitioner is requesting rezoning of 31.454 acres for a proposed 12-lot rural estate development located on the north side of Division Road, ¾ of a mile west of CR 575 W, Shelby 19 (SE) 23-5.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan.

Margy Deverall read the staff report with recommendation of approval.

Daniel Teder recapped the petition and reviewed the neighboring zones. He concurred with the staff report.

Paul Coutts, 6406 Division Road, West Lafayette, IN, presented a handout showing the topography of the site. He stated that he owned the land to the east of this site. He said that there are some problems with the site design. He pointed out that the soil tests for lots 1 and 2 listed incorrect slopes. He said that there is a 25% slope, which would make a septic system very difficult to install. He mentioned that lot 3 only has about 16,000 square feet of flat land to put a septic system. He said that the soils are very tight. He said that the private drive would have a slope of 18% and if this were a County road it would have a maximum of 7.5%. He stated that he has a lot of concern of the safety of the proposed road. He pointed out that the road would also go over a 300-foot ravine. He explained the inconsistencies in slope, road design and problem with safety. He stated that they would be removing about 2 acres of trees. He pointed out that the site plan looks like a flat site, but in reality this is a very severe piece of land. He mentioned that he was concerned with drainage for the site because there were not outlots proposed for drainage. He explained that the drainage pond could not be at the bottom of the ravine because there was no way to service them. He pointed out that South River Road is considered a scenic byway in order to preserve some of the beauty. He said that it was inappropriate to scar the hillside with a road. He stated that this was not the intent of an RE. He said that the issue is not a tillable issue, but a beauty issue. He reiterated that there are severe slope situations on this site. He read the intent of an AW zone from the UZO and asked that this site remain AW.

Daniel Teder stated that the adjoining property owner has agreed to have the upper ravines filled in. He pointed out that Paul Coutts does own the neighboring property and he put in a parcelization. He said that this is not Paul's property and would not affect his land. He stated that the property on the other side has a road going to the top. He explained that the only way to get to the top would be to put in a road. He stated that they just found out about the issues with the septic that morning and they would address them.

Mark Hermodson asked what grade was at the first switch back.

Daniel Teder replied 10%.

KD Benson stated that this was a beautiful piece of land and the development would be striking.

Carl Griffin asked to see the aerial again.

The Commission voted by ballot 12 yes – 2 no to recommend approval of **Z-2164—MEIGS, LLC (Forest Ridge RE) (AW TO RE)** to the Tippecanoe County Commissioners.

Yes votes

Steve Schreckengast

No votes

Lynda Phebus

KD Benson
 Kathy Vernon
 Jeff Kessler
 Mark Hermodson
 David Williams
 Vicki Pearl
 Gary Schroeder
 Steve Egly
 John Knochel
 Carl Griffin
 Michael Smith

Robert Bowman

8. Z-2165—G & L DEVELOPMENT COMPANY, INC. (AW TO R1B):

Petitioner is requesting rezoning of 49.549 acres for a proposed 184-lot single-family residential development located on the east side of Dayton Road, just north of CR 375 S, south of the Town of Dayton, Sheffield 9 (SW and NW) 22-3.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and site plan.

Margy Deverall read the staff report with recommendation of approval. She read a letter from Robert Bowman and approved by Randy Williams, attorney to Sallie Fahey stating that Dayton has sufficient capacity to provide water and sewer to this site. She read a letter from Dayton Clerk-Treasurer, Ron Koehler, stating that Dayton would not commit to providing water and sewage to this site until such time as the appropriate zoning classification has been determined and agreed upon.

She read the following letter in favor:

Allen Orr, agent for Goris Family, 427 N. 6th Street, Lafayette, IN.

She read the following letters in opposition:

A petition consisting of 139 signatures.

Lynn and Brenda Chapman, 7201 Schlie Lane, Dayton, IN.

Russell Koch and Gayle Iwamasa, 6991 E. 375 South, Lafayette, IN.

E. Stewart and Margaret Saunders, 3703 Dayton Road, Lafayette, IN.

Matt Pendleton, Dayton Road, Lafayette, IN.

Larry and Sharon Cornell, 3036 Dayton Road, Lafayette, IN.

Brent and Linda Mullen, Dayton Road, Lafayette, IN.

Ashley and Lisa Stevenson, 291 Harrison Street, Dayton, IN.

Todd and Tammy Linebeck, 7315 Wesleyan Drive, Dayton, IN.

Suzette and Cris Post, 5323 US 52 South, Lafayette, IN.

Kim Siemers, 7910 Peshewa Drive, Dayton, IN

John and Linda Lahrman, 6601 Wyandotte Road, Lafayette, IN.

Elizabeth and Charles Whitney, 7200 Schlie Lane, Lafayette, IN.

Karen Dick, 3980 Dayton Road, Lafayette, IN.

Daniel Teder recapped the petition. He stated that if all approvals were obtained then they would be requesting annexation from the Town of Dayton. He said that there would be 2 entrances, 3 outlots and a park and playground area. He reviewed the density and lot sizes. He pointed out that there is no argument that this should be residential and reviewed the differences between R1, R1A and R1B. He explained that that this proposal is not to the maximum of what an R1B would allow. He stated that the traffic capacity of Dayton Road was far greater than the actual counts. He read a letter from Richard Wood, the Superintendent of Tippecanoe County School Corporation. He stated that in Deerfield Farms there are 180 home and approximately 10 are rentals. He mentioned that most of the police calls are to W.H. Long's duplexes and very few, if any to Deerfield Farms. He said that this project is similar and very close to an R1.

Paul Winstead, 254 Washington Street, Dayton, IN, stated that he has been a councilman for 16 years. He said that larger is not better. He explained that Dayton needs this development in order to enhance

sewer and water and lower rates to residents. He said that Dayton does not have a lot of things to attract new residents.

David Leininger, 764 Shady Lane, Dayton, IN, requested that the zoning for this land be R1 and not R1B. He stated that he has no financial interest in this property. He said that R1 is the proper size and this proposal is within 600 square feet of being an R1. He asked where the park would be in the development and pointed out that it was not included in the plans. He mentioned that if there were land reserved for a park then the responsibility of furnishing that land with equipment would fall on the Town of Dayton. He pointed out that the only places that a park could go would be on edges of the development, near the retention ponds. He stated that he welcomed growth and development, but that growth should be R1, and only 600 more square feet. He asked members of the audience who were in opposition to stand.

Members of the audience stood.

Mike Roberts 15 Peshewa Drive, Lafayette, IN, stated that in his subdivision the smallest lot is 2 acres, the area is well kept, the neighborhood association maintains the streets and the houses are all appraised at \$230,000. He said that he is very familiar with Dayton Road because he runs and bikes on it, and it cannot handle the increased traffic. He stated that they are not opposed to developing the land, just to the density of the proposal. He said that he thinks the density should be half the size of the proposal. He stated that it was ridiculous for the Town of Dayton to use this as a way to pay off their debts.

Mike Harris, 6912 State Road 38E, Lafayette, IN stated that he was in favor of an R1 zone and not anything denser than that. He said that it was not true that bringing more houses to the area would lower the water and sewer rates. He pointed out that some of the Council members do not even live in the area. He pointed out that when the developers come to the Council, that Dayton does not have the staff to be available 8 hours a day to decide these issues. He stated that he would like this case continued. He said that the big developers like to come in and push their way around Dayton and that was not going to happen any longer.

Mike Loomis, 740 Shady Lane, Dayton, IN, pointed out that all 5 members of the Town Board were present. He requested that the case be continued for one more month so that all parties could sit down and work out the disagreements. He stated that if the lots were that close, then why not just go to R1A. He requested a continuance.

Paul Fitzgerald, 3825 Peshewa Court, Lafayette, IN, stated that he was a member of the Sheffield Township Fire Department, which is responsible for responding to this area. He pointed out that originally there was only one entrance. He stated that even though he was glad to see a second entrance added, the problem is that the second entrance is on the crest of a hill. He posed the question as to how the children would get into Dayton. He mentioned that there is ½ a mile between this development and Dayton and he asked if there would be proposed sidewalks for the children to use. He said that originally the lots in the proposal were much narrower, which made the risk of a fire spreading greater. He stated that he was glad to see that the houses were more spread out.

Robert Bowman 291 Republican Street, Dayton, IN, stated that he was a Board member and President of the Utilities. He said that when the plans were first brought before the board he immediately pointed out that 2 entrances were needed and petitioner agreed to look into that. He mentioned that he informed the petitioner that R1B 60-foot lots would not work. He said that the petitioner pointed out that they were 70' lots, with a depth of 113-feet. He stated that they also discussed a playground, and it was mentioned that the Town of Dayton might be able to obtain a grant for that, but there was no guarantee. He informed the Commission that the petitioner was willing to put in writing that they would maintain 70-foot frontage. He stated that the petitioner also agreed to use Rule 5 erosion controls. He said that the Town would provide water and sewer, if they agreed to apply for annexation. He stated that all of this should be in writing before it is voted on and suggested that a continuance might be a good idea.

John Swick, 746 Shady Lane, Dayton, IN, stated that Robert Bowman should have spoken when the President requested that persons in favor speak.

Daniel Teder pointed out where the proposed park was going to be, by writing it in on the display board. He stated that the intent of this proposal was to build affordable houses on affordable lots. He said that the speakers tonight oppose everything bad with an R1B. He pointed out that a zone of R1 would still have increased traffic and potential rentals. He recapped the lot sizes and density in the proposal and pointed out that it is not that different than an R1. He stated that the school buses would come to this development just like they come to the other areas.

Jeff Kessler asked if the park or greenspace was calculated in the 9300 square feet.

Patrick Cunningham, Vester and Associates, 309 Columbia Street, Lafayette, IN, stated that when the survey was completed there was more acreage than originally thought, which accounts for the lower density and more square footage.

Jeff Kessler asked if more square footage was used if just the 173 lots were considered.

Patrick Cunningham stated that it is the average lot size, therefore just the lots were considered.

Mark Hermodson stated that the objection he has is that if R1B is granted, then the petitioner does not have to stick to this proposal.

Audience applause and shouting interrupted President Hermodson's comments.

Mark Hermodson stated that the audience was out of order. He informed the audience that the approach the remonstrators have taken is designed to irritate the Commission members and not to serve their purpose. He stated that he is supporting the remonstrator's point of view, but only because of planning considerations and not because of any statements or presentations made by the remonstrators. He pointed out that if the remonstrators had organized themselves and remained professional, there would be less tension from the Commissioners. He explained that meant getting everything together in a concise way and not taking up an hour of everyone's time.

He reiterated that if R1B is granted, then the petitioners do not have to stick to this proposal, they could go with 6,000 square foot lots. He suggested that a PD would be a better process to obtain the 9,300 square foot lots. He stated that he could not support an R1B zone.

Carl Griffin asked where the airpark was located in reference to this development and which direction the strip ran.

Paul Winstead pointed out where the airpark was on the aerial and said that the strip ran east to west.

Jeff Kessler stated that he agreed with Mark Hermodson's statements.

Daniel Teder stated he understood the concerns of Mark Hermodson. He pointed out that if the petitioner does deviate from this plan, then the Town of Dayton would not give them water and sewer and they would also lose credibility with this Commission.

KD Benson stated that she would like to see the guarantee of water and sewer, before it is approved.

An audience member asked to address the Commission.

Mark Hermodson stated that they are not taking any more testimony.

An audience member stated that Brian Keene should not be allowed to address the Commission.

Steve Schreckengast recognized the petitioner, Brian Keene.

Brian Keene, Gunstra Builders 2353 Musket Way, West Lafayette, IN, stated that he appeared before the Dayton Town Board on February 2, 2004 and the Board stated that they would not agree to 60' lots and

he explained that the zone R1A would not allow 70' lots. He said that the Board, with the exception of Mike Harris, came to an agreement to provide water and sewer.

Someone from the audience shouted out that was not true.

Mark Hermodson stated that the audience member was out of order.

Brian Keene stated that the letter written by the Dayton Town Clerk was not reflective of what was actually discussed at the Council meeting. He pointed out that the Dayton Town Council had requested a second entrance, a park area and 70' lots with 7,500 square feet, and he has complied with all requests.

Steve Schreckengast asked if development for a residential zone could be done without water and sewer.

Sallie Fahey replied affirmatively. She explained that it could be done with a septic systems.

Steve Schreckengast pointed out that a septic system would not fit in this development.

Sallie Fahey stated that was correct, a septic system could not be used with this specific design.

Steve Schreckengast stated that he did not feel the letter for water and sewer was as important because if they do not get the letter, they would not be able to build this design anyway.

Sallie Fahey stated that as of this afternoon, the staff felt they had the necessary letter. She explained that the letters from the City of Lafayette frequently state there is capacity and access and not that they would provide sewer and water.

Steve Schreckengast reiterated that the letter was not as important because without water and sewer it cannot be subdivided into R1B lots.

The Commission voted by ballot 4 yes – 10 no to recommend denial of **Z-2165—G & L DEVELOPMENT COMPANY, INC. (AW TO R1B)** to the Town Council of Dayton.

Yes votes

KD Benson
Steve Schreckengast
Gary Schroeder
Robert Bowman

No votes

Mark Hermodson
Jeff Kessler
David Williams
Kathy Vernon
Carl Griffin
Michael Smith
Vicki Pearl
Lynda Phebus
Steve Egly
John Knochel

A. SUBDIVISIONS

1. **S-3454—WINDING CREEK SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 4-lot subdivision including a replat of two lots in Section 2, all on 1.448 acres. The site is located at the northeast corner of Gardenia Drive and Grapevine Boulevard, in Tippecanoe 29 (SW) 24-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and preliminary plats.

Margy Deverall stated that the petitioner has requested permission to bond. She recapped the staff report with a recommendation of conditional primary approval contingent on the following condition:

1. The off-site "No Vehicular Access" agreement shall be submitted for recording with the final plat. This restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph T. Bumbleburg recapped the petition. He stated that the petitioner was requesting permission to bond, that there were no variances and that this was a compliant subdivision.

The Commission voted by ballot 14 yes to 0 no to permit bonding.

The Commission voted by ballot 14 yes – 0 no for conditional primary approval of **S-3454—WINDING CREEK SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY).**

2. **S-3455—UNIVERSITY FARM SUBDIVISION, PHASE 5 REPLAT (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for an 18-lot subdivision on 6.157 acres, located at the southeast corner of Kalberer Road and Jasper Street, in West Lafayette, Wabash 5 (NW) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and preliminary plat.

Margy Deverall stated that the petitioner has requested permission to bond. She recapped the staff report with a recommendation of conditional primary approval contingent on the following conditions:

1. On the construction plans and final plat, the subdivision name shall be changed to **"Saint Joseph West Subdivision, a Replat of University Farm Subdivision, Phase 5"**.

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

2. The West Lafayette City Engineer shall approve the street, sanitary sewer, and drainage plans.
3. Indiana-American Water Company, Inc shall approve the water plans.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
5. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

6. "No Vehicular Access" statements shall be platted along the Kalberer Road and Soldiers Home Road right-of-way lines.
7. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
8. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
9. All required building setbacks shall be platted.
10. The West Lafayette city corporation line shall be labeled.
11. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

12. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Daniel Teder recapped the petition. He pointed out that this is in the West Lafayette school system. He stated that all utilities were present; he concurred with the staff report and asked for approval

The Commission voted by ballot 14 yes to 0 no to permit bonding.

The Commission voted by ballot 14 yes – 0 no for conditional primary approval of **S-3455—UNIVERSITY FARM SUBDIVISION, PHASE 5 REPLAT (MAJOR-PRELIMINARY).**

V. ADMINISTRATIVE MATTERS

A. APC Committee Selection

Sallie Fahey explained that the Commission's officers and attorney worked on the list of Committees included in the packet and submitted it as a proposed slate to be voted on.

Jeff Kessler moved to approve the list of Committees as submitted. Kathy Vernon seconded and the motion carried by voice vote.

VI. APPROVAL OF THE MARCH EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the March 3, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3442-CRM MINOR SUBDIVISION (MINOR-SKETCH)

S-3459-TABOR MINOR SUBDIVISION (MINOR-SKETCH)

S-3460-SAFE HAVEN SUBDIVISION (MINOR-SKETCH)

S-3461-BARR MINOR SUBDIVISION (MINOR-SKETCH)

RE-0025 – MOLTER RURAL ESTATE (MAJOR PRELIMINARY)

Kathy Vernon seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

BZA-1657 – P.J. & J.A. KANE

BZA-1659 – MICHELLE R. & JOSEPH B. HARRISON

Kathy Vernon seconded and the motion carried by voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey referred to the written Director's Report and pointed out Krista Trout's engagement. She explained that Krista would be staying in Lafayette, and therefore the staff would not be losing her. She mentioned that there was an interesting article attached to the Director's Report about strip commercial development.

She stated that she would like to ask Purdue to present their PowerPoint show to the staff regarding their master plan. She said that if any of the Commissioners were interested, she could look into scheduling a work session so Purdue could make the presentation. She asked if the Commission would like to host other government officials from the member jurisdictions.

Carl Griffin mentioned that the presentation has changed, but is definitely worthwhile.

KD Benson stated that would help with the planning process.

Sallie Fahey mentioned that the process has begun for the transportation portion of Purdue's master plan to be amended into the long-range transportation plan.

Steve Schreckengast stated that he appreciated the initiative that Sallie Fahey has taken.

KD Benson stated all the continuing education material is appreciated.

Sallie Fahey asked which members would not be available for the April 21 2004 APC meeting. She explained that there was concern that a lot of members would be going on the Chamber of Commerce trip to Washington D.C. and there would not be a quorum. Only 2 members said they would be going. She stated that since only 2 members stated they were going, there should be sufficient members available.

Mark Hermodson welcomed the new members to the Commission.

IX. CITIZENS' COMMENTS AND GRIEVANCES

None

X. ADJOURNMENT

Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.
The meeting was adjourned at 9:35 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. D'Andrea", written in a cursive style.

Michelle D'Andrea
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "Sallie Dell Fahey", written in a cursive style.

Sallie Dell Fahey
Executive Director